

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendments, claims 45, 46, 48-57, 59, 61-64, 67, and 70-73 are pending in the application, with claims 45, 54 and 64 being the independent claims. Claims 45, 48, 54, 55, 59, 61, 64, 67, and 70-73 are sought to be amended by the present amendment. Claims 60, 68, and 69 are sought to be cancelled by the present amendment without prejudice to or disclaimer of the subject matter therein. Claims 1-44, 47, 58, 65-66, and 74-77 were previously cancelled without prejudice to or disclaimer of the subject matter therein.

Claims 45, 48, 54, 55, 59, 61, 64, 67, and 70-73 have been amended to further clarify Applicants' invention and to put the claims into better condition for allowance. The present amendments to these claims were not made earlier because Applicants believed that these claims were allowable in their previous form. However, after Applicants' submission of the Amendment and Reply Under 37 C.F.R. § 1.116 on July 24, 2006, and after receipt of the Advisory Action dated August 16, 2006, Applicants' undersigned representative and the Examiner conducted telephonic interviews on August 4, 2006, August 14, 2006, and September 5, 2006. During these interviews, the final Office Action and Advisory Action were discussed, as well as proposed claim amendments to further clarify Applicants' claimed invention. It was agreed that Applicants would formally submit the proposed claim amendments for the Examiner's consideration. Accordingly, Applicants submit herewith the proposed amendments. Applicant wish to thank the Examiner for his guidance during these telephonic interviews.

Specifically, claim 45 has been amended to insert text indicating that the CYK-4 protein comprises amino acid residues 360-536 of SEQ ID NO:2, and claims 54 and 64 have been amended to insert text indicating that the CYK-4 protein comprises amino acid residues 1-120 of SEQ ID NO:2. Support for these amendments can be found in the specification as originally filed, for example, at page 31, lines 13-17; at page 32, lines 23-27; and in Figure 3D. Claims 45, 54 and 64 have also been amended to delete the clauses at the end of each claim which recite the Markush group from which the CYK-4 protein is selected and the conditions for stringent hybridization.

Claims 45, 54, 55, 61, 64, and 70-73 have been amended to delete text reciting a fragment of the CYK-4 protein.

Claims 48, 59, and 67 have been amended to delete text reciting a polypeptide which has an amino acid sequence encoded by a polynucleotide which hybridizes under stringent conditions to a polynucleotide having a nucleotide sequence as set forth in SEQ ID NO:1.

These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***I. Rejection under 35 U.S.C. § 112, First Paragraph, Scope of Enablement***

The Examiner maintains the rejection of claims 45, 46, 48-57, 59-64 and 67-73 under 35 U.S.C. § 112, first paragraph, for an alleged lack of enablement. (Advisory Action, at page 2, lines 1-4, and Office Action, at page 2, lines 12-13.)

Specifically, the Examiner states that "there is no structural requirement for the fragments of CYK-4 protein recited in the claims." (Advisory Action, at page 2, line 4.)

To expedite prosecution and without acquiescing to the propriety of the rejection, Applicants have amended claim 45 to insert text indicating that the CYK-4 protein comprises amino acid residues 360-536 of SEQ ID NO:2, and amended claims 54 and 64 to insert text indicating that the CYK-4 protein comprises amino acid residues 1-120 of SEQ ID NO:2. Claims 45, 54, 55, 61, 64, and 70-73 have been amended to delete text reciting a fragment of the CYK-4 protein.

Applicants believe that the rejection of claims 45, 46, 48-57, 59-64 and 67-73 under 35 U.S.C. § 112, first paragraph (scope of enablement), has been overcome and respectfully request that the Examiner reconsider and withdraw this rejection.

***II. Claim Objections***

The Examiner maintains the previous objection to claims 45, 46, 51-57, 60-64 and 67-73 as reciting non-elected subject matter (murine CYK-4 of SEQ ID NO:4). (Office Action, at page 6, lines 5-7.)

To expedite prosecution and without acquiescing to the propriety of the rejection, Applicants have amended claims 45, 54 and 64 to delete text reciting the mouse CYK-4 polypeptide sequence (SEQ ID NO: 4) and a polypeptide which has an amino acid

sequence encoded by a polynucleotide which hybridizes under stringent conditions to a polynucleotide having a nucleotide sequence as set forth in the mouse polynucleotide sequence (SEQ ID NO:3).

Applicants believe that the objection to claims 45, 46, 51-57, 60-64 and 67-73 has been overcome and respectfully request that the Examiner reconsider and withdraw this objection.

### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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